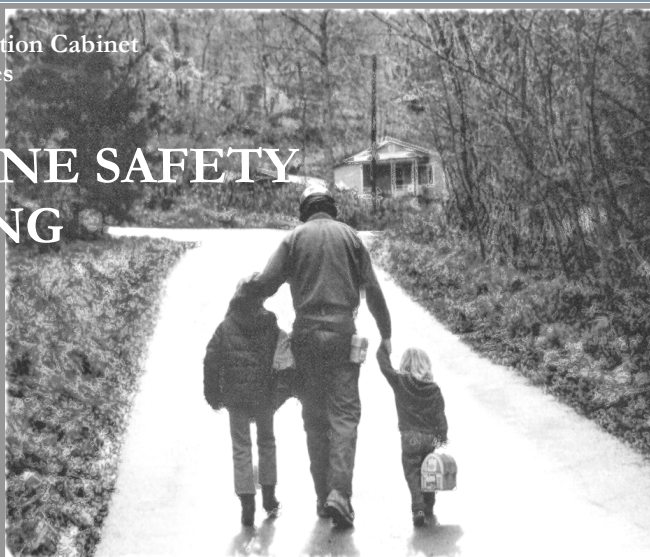


OFFICE OF MINE SAFETY AND LICENSING

QUARTERLY NEWS & REPORT



July-Sept. 2005
Issue III

Safety Issue



Winter Weather by Paris Charles, Executive Director

The nation's most devastating mine disasters historically have occurred in winter and there is good reason for that. Several unique hazards present themselves to miners throughout the winter months. Severe drops in barometric pressure may occur during colder weather, inducing methane that can migrate into the mine atmosphere and increase the risk of an explosion. Additionally, cold, dry winter air results in drier conditions underground which makes coal dust more likely to get suspended in the mine atmosphere. This condition also can contribute to an underground mine explosion.

To combat the increased threat, the Office of Mine Safety and Licensing (OMSL) suggests that underground coal miners and operators should do the following:

- Consistently follow the mine's approved ventilation plan.
- Conduct thorough pre-shift, on-shift, and weekly checks for methane and other hazards.
- Keep potential ignition sources out of working areas.
- Carefully maintain bleeder systems in worked-out areas to prevent methane buildup.
- Complete rock dusting (application of powdered limestone) in all areas of the mine.
- Never smoke or carry smoking materials into an underground mine.

Additionally, at surface mines, winter weather causes limited visibility during inclement weather, icy mine access roads and haul roads, slippery walkways, and the freezing and thawing process on highwalls contribute to hazardous conditions that should be addressed during winter months.

These tips, along with a strong safety and health plan, should ensure a safe holiday season for all mine employees.

Please have a safe winter and enjoy the holidays with family.

Paris L. Charles

FATALITIES AND SERIOUS ACCIDENTS July-September, 2005

- Serious—8-3-05—Donnie Newton—Yonts Coal Co. LLC—Hazard—(Underground) Machinery
- Fatality—8-3-05—Brandon Wilder—Stillhouse Mining LLC, Mine No. 1—Harlan—(Underground) Roof Fall
- Fatality—8-3-05—Russell Cole—Stillhouse Mining LLC, Mine No. 1—Harlan—(Underground) Roof Fall
- Serious—8-8-05—Jonathan Ison—Blue Diamond Coal Company, Leeco No. 74—Hazard—(Underground) Machinery
- Serious—9-10-05—Bret Ross—ICG Hazard, LLC.—Barbourville—(Surface) Machinery
- Serious—9-12-05—Timothy Hall—J & R Coal Company—Hazard—(Underground) Ignition
- Serious—9-20-05—Fred Justice—Pikeville—(Underground) Roof Fall

(Only minimal information can be published on the most recent accidents because the accident reports have not been finalized. Further information will be posted to the website at a later date.)



Fatality and Serious Accident
Information can be found at
www.dmm.ky.gov/safety.
For more detailed information,
click on Emergency Awareness
Bulletins (EAB's).

According to KRS 351.025(6), the Office of Mine Safety and Licensing will establish procedures to distribute quarterly reports to every licensed entity describing mine fatalities, serious mine accidents, and penalties imposed on certified and non-certified personnel and licensed premises and to require the report to be distributed to every certified working miner employed by the licensed entity, posted at work sites, and reviewed at regular mine safety meetings.



OMSL Disciplinary Cases before the Kentucky Mine Safety Review Commission

Active Cases

1. OMSL v. Homer Sams, Lonnie Rice, Delmas Jackson & Floyd Hibbard, No. 05-MSRC-009: Electrical inspections revealed numerous unsafe conditions/violations in the Century Operations No. 4 Mine. Most of the more than twenty (20) violations involved improper alterations of circuits that disabled important safety equipment. STATUS: ACTIVE - Probable cause determined on September 8, 2005. The hearing is set for January 2006.
2. OMSL v. Darrel Banks, Onis R. Smith & Conley Horn, No. 05-MSRC-010: Referral of case from MSHA. Inspection by MSHA found smoking materials in the area of active mining. Those miners to whom the materials belonged have been cited and the foreman was cited for failure to conduct a proper search. STATUS: ACTIVE - Probable cause determined on September 8, 2005. The hearing is set for January 2006.
3. OMSL v. Simon Ratliff, NO. 05-MSRC-004: Mine superintendent, whose underground mine foreman's certificate was in probation, committed several violations: requiring miners to work under unsafe conditions; discharged four miners for making safety complaints; discharged the same miners for filing safety complaints with MSHA, following their reinstatement; falsification of pre-shift exam record; impeding federal investigation by instructing miner to lie to MSHA; and, repeated violations of probation terms. STATUS: ACTIVE - Probable cause found April 14, 2005, with discovery and hearing deadlines; three miners have been allowed to intervene in case; set for hearing on November 10, 2005.
4. OMSL v. Highlands Mining & Processing Co., Inc., Chas. R. Stump, Anthony Boggs, Tony Dean, Ricky Bolin, Marty Boggs, Gary V. Planck, Jeremiah Caldwell, & Anthony Simpson, No. 04-MSRC-019: Company, mine owners, mine superintendent, foremen and miners are named in this case involving a non-compliance for unsafe roof conditions that resulted in an OMSL closure order pending completion of remedial measures. Portions of the work were completed, but owners ordered miners to improperly enter "red tagged" areas and perform inadequate roof control measures to allow mining in these areas. STATUS: ACTIVE - Simpson, Caldwell, Planck, and M. Boggs have entered settlements that probate their underground miner's cards and impose testing and training requirements. A. Boggs and Dean have entered into settlement agreements that revoke their underground mine foreman cards and impose testing and training requirements, as well as probation of new cards when they are eligible to receive them. The hearing for Highlands, Stump and Bolin is set for December 8, 2005.
5. OMSL v. Alger Jent, Jerry Morgan & Jas. Byrd, No. 05-MSRC-005: HISA inspection revealed numerous unsafe conditions, violations in the mine. Seven were considered as placing miners in imminent danger of serious injury or death, including "bridged out" circuits that disabled important safety equipment. STATUS: ACTIVE - Probable cause determined on April 14, 2005. Morgan has entered into a settlement agreement putting his electrician's certificate on probation with training and testing requirements imposed. Byrd's underground mine foreman's certificate has been placed on probation. He is also required to retake the underground mine foreman exam. The hearing for the remaining respondent, Alger Jent, is set for December 8, 2005.
6. OMSL v. Hobert Hoskins & Rodney Morgan, NO. 05-MSRC-007: MSHA inspection revealed cross cut taken in excess of that called for by roof plan. Mine foreman and roof bolter operator cited by OMSL for unfitness to hold certificates due to violation of federal law. STATUS: ACTIVE - Probable cause found on April 14, 2005. A show cause order for default judgment was entered on September 8, 2005, to be heard on October 11. An order of default was entered on October 11 for both respondents. Morgan has since filed documents avowing failure of service.

Final Orders Entered

1. OMSL v. William Sizemore, Jimmy Morgan and Floyd Hibbard, No. 04-MSRC-002: Mine superintendent and two section foremen for mine subjected to HISA inspection were held responsible for numerous violations found during the inspection and a follow-up inspection. STATUS: ACTIVE - Morgan and Hibbard entered settlement agreements for suspension, probation and retesting. Hearing for Sizemore was held July 14, 2005. Commission entered final order on September 8, 2005 and ordered suspension of foreman's card and suspension of miner's card for seven (7) days, along with retraining and retesting requirements. Sizemore has filed an appeal of the case to the Franklin Circuit Court.
2. OMSL v. Clifford Morgan, et al., No. 04-MSRC-003: Settlement agreement with last respondent for probation, retraining and testing. May 26, 2005
3. OMSL v. Raymond Little, et al., No. 04-MSRC-011: Settlement agreement with all respondents for probation, retraining and testing. May 26, 2005
4. OMSL v. Corbett Howell, et al., NO. 04-MSRC-018: Settlement agreement with last respondent for probation, retraining and testing. May 26, 2005
5. OMSL v. Jerry Morman, No. 05-MSRC-001: Settlement agreement for probation, retraining and testing. May 26, 2005.
6. OMSL v. Alan Pigman, No. 05-MSRC0992: Settlement agreement for probation, retraining and testing. May 26, 2005.
7. OMSL v. Charles Vanderpool, No. 05-MSRC-003: Settlement agreement for probation, retraining and testing. May 26, 2005.
8. OMSL v. Dennis Jewell, NO. 05-MSRC-006: Settlement agreement for probation, retraining and testing. May 26, 2005.
9. OMSL v. Larry Chapman, No. 05-MSRC-008: Settlement agreement for probation, retraining and testing. May 26, 2005.



Kentucky
UNBRIDLED SPIRIT



Miner Safety Tip

Parking Mobile Equipment Safely—

Several fatalities have occurred over the years in both surface and underground mines due to vehicles running after being stopped and left unattended. In some instances, the incorrect brake was applied and as air or pressure leaked off, the brake released and the vehicle began to move. In other instances, the emergency brake was not set at all or was in need of adjustment.

In addition to setting the proper brake(s), always:

- Turn the wheels into the rib, the berm or in the direction of the highway face
- Lower the bucket or blade to the ground if applicable, and
- Never try to jump back in the cab to regain control of a runaway vehicle.



Safety Tip from MSHA.gov

Miner Safety Tips

New Miner Alert - -

The mining industry is experiencing a shortage in available experienced miners. Because of the shortage it is becoming necessary for mining companies to employ inexperienced miners. Because of this, a comprehensive, effective training program for new miners is an industry imperative. There is an old adage about history repeating itself. The industry should do everything possible to ensure that the type of accidents that occurred in the early 70's due to inexperienced miners do not happen again.

- Over 400 new miners experienced accidents in 2004. It is important that new miners receive comprehensive training that ensures their career begins with proper behavior-based training. Recently a new inexperienced miner was nearly killed due to being hit by a shuttle car. The miner had received training for the roof bolter he was operating but it became evident from the type of accident that a more effective overall training program should be conducted to include all aspects of the working section.
- Organized, site specific and effective task training should be conducted for all new miners.
- Total comprehensive training will reduce the potential for accidents caused by lack of experience only. The training should include the task training for the specific equipment the miner will operate as well as aspects of the other equipment operating in the mine and general work tasks. The training should always cover hazards recognition and accident prevention.



Contractor Safety...

All company employees need to pay close attention to contractors and visitors. They are not as familiar with mine property as company employees are. Studies also show that contractors/visitors are not familiar with safety rules and practices. As a result, there is a greater likelihood for them to break the rules and get hurt.



Positive Communications - -

Communication must be two-way or it isn't communication. This applies to audible and visual communication.

Recently a foreman was fatally injured when he was crushed beneath a truck. The accident occurred as the truck was backing toward the dump point. The victim was in the process of moving a water hose when a truck backed over him. Prior to the accident, the victim was in his office and notified the truck driver with a CB radio that he was going to cross the work area. However, it was later reported that no one heard a response to the victim's announcement. Following the following communication procedures may save your life:



- Always communicate with equipment operators prior to entering the work area. Let the equipment operator know what you are going to do and where you will be doing it.
- Always get confirmation from the equipment operator that he/she has heard you and understands your intentions.
- Always make sure the equipment operator sees you before entering the work area, even after you have communicated your intentions.
- Always notify the equipment operator of your intentions and get confirmation prior to moving to other areas around the equipment or leaving the work area.
- If possible, communicate with the equipment operator once you have left the work area.
- Wear a high visibility vest to increase your visibility in the work area.
- Be aware of other individuals who may be in the work area and communicate your intentions with them. All individuals in the work area should use two-way radio or other effective means of communication.
- NEVER, NEVER, NEVER reenter a work area without restarting the communication process.

Miner Tips from www.MSHA.gov



Underground Winter Alert !!!

By OMSL Division of Safety Analysis, Training and Certification

- In years past during the winter months, mine fire and explosions have taken a heavy toll on the lives of miners throughout the nation. Due to the decreasing temperature and the fluctuating barometric pressure the inherent dangers of coal dust and methane are increased dramatically. Coal dust dries out and methane migrates from abandoned and pillared areas, and from behind sealed areas into active areas of the mine. When methane is ignited, coal dust can become an unlimited source of fuel. Methane will explode from 5% to 15%. The mine roof is also affected during the winter months. When the mine is in the drying out process, the strata above the coal seam deteriorates causing adverse roof conditions to occur. The mine roof needs to be checked frequently by all miners and adverse roof conditions corrected in a prompt and safe manner.
- It is imperative that adequate ventilation be maintained throughout the mine in order to dilute and carry away methane concentrations. Loose coal and coal dust must be removed and all areas kept well rock-dusted. Equipment water sprays must be maintained and working properly.
- It is extremely important that safety meetings are conducted with all miners at your assigned mines. Express the importance to miners about staying focused on these crucial issues and the importance of utilizing safe work habits.
- Travel with the foreman and utilize the Foreman's Advanced Continuing Education (F.A.C.E.) program as he conducts his pre-shift examination. Observe, advise, and assist him in any areas where he may be deficient.
- There have been three coal mining fatalities in Kentucky this year. A contributing factor in these fatalities was unsafe acts. We must continue our relentless efforts to eliminate fatal and serious accidents at Kentucky's mines. Let's continue to protect the industry's number one resource, **THE MINER**.

Miner Safety Tip

*"Take the Keys -
Save your Life"*

In 1999, a maintenance man was fatally injured at a crushed stone operation. The victim had been servicing a haulage truck in the pit and indicated to the truck driver that he had completed his work. A few minutes later the truck driver drove away and apparently struck the victim.

As a result of this accident, a coworker suggested that drivers give the keys to the maintenance person prior to maintenance and not return them until maintenance is finished. This would ensure that this type of accident never occurs again. This practice also may be applicable to repair of conveyor belts and other stationary equipment.

The practice of the maintenance person insisting on taking the keys from the operator prior to maintenance occurring on any mobile piece of equipment and not returning them until the work is finished can reduce the risk of accidents. Standard operating procedures should also include sounding a horn or alarm. Checking mirrors and camera monitors (if available); making eye contact and communicating intentions directly to the equipment operator; and receiving an audible response using radio communications before moving mobile equipment.



Safety Tip from MSHA.gov

Water sprays must be working properly.

ImmEDIATE action must be taken to correct any ventilation deficiencies.

Never cut or weld in by the last open break except in case of emergency.

Take time to make the required gas test before taking electric equipment in by the last open break.

Examine each working place carefully to ensure that no hazards exist while miners are at work.

Rock dust needs to be applied to within at least 40 feet of the face.

Always keep line curtains and block curtains in their proper places.

Lease the section properly ventilated at the end of the shift for the oncoming crew.

Every miner is equally responsible for maintaining ventilation controls.

Remember - - a careless act by a miner can result in a mine explosion.

Team effort.



Surface Winter Alert !!!

By OMSL Division of Safety Analysis, Training and Certification

Winter will soon be here once again. During the cold winter months, the inherent dangers associated with surface mining intensify. Rain, freezing, thawing, mud, snow and ice are elements that have a direct effect on surface mining. Special attention needs to be given to highwalls, spoil areas and all other areas where men are required to work or travel.

- **Highwalls** - Rain, freezing, thawing, mud, snow and ice have an adverse effect on vertical and horizontal cracks on the face of highwalls. Water and moisture collect in these cracks increasing the potential for highwall failure.
- **Spoil and Fill Areas** - Must be examined for cracks, bulges and soft spots. These areas become more dangerous especially after the material has been frozen and begins to thaw. Unstable dump sites become more common during winter months. If any cracks appear on the top surface of a dump site or on the front slope, immediate action should be taken. Adding the weight of a truck or dozer could cause the slope to fail.
- **Mobile Equipment** - Potential hazards include slippery ladders and platforms. Equipment operators must ensure that these areas are free of mud, snow and ice. These conditions can be corrected during the pre-operational check. The majority of surface accidents occur from slips, trips, falls and back strains. The analysis statistics show that these types of accidents increase during the winter months.
- **Haulageways** - During the winter months, haulageways can become extremely dangerous. In emergency situations, drivers sometimes panic and jump from their vehicle. Many drivers have been fatally injured by being crushed under their own equipment. A driver has the best chance of survival when he keeps his seat belt on and stays inside the equipment. Drivers need to select the proper gears when traveling up or down grades. Snow and ice need to be removed from all haulageways and adequate berms properly maintained.
- **Foreman** - One of the duties of the foreman is to examine work areas and highwalls at the beginning of each shift for unsafe conditions. When an unsafe condition is found, it shall be corrected immediately.

Let's continue our effort to eliminate fatal and serious accidents in Kentucky's mines and protect our industry's most important resource, **THE MINER**.



Miner Safety Tip

Work Schedules

Work-related fatigue can become a problem when mining personnel works longer shifts and more consecutive days during the work week. According to the U.S. Bureau of Labor statistics, American workers log more hours a year (1,966 hours) than those in any other industrialized country. Many workers work overtime on a regular basis.

Studies have shown that workers experience a significant rise in accidents and traumatic incidents after nine to ten hours on the job. Other studies have found that people who are sleep-deprived as a result of overwork have an increased risk of injuries.

To reduce the risk of injuries in the mining industry due to fatigue:

- * Rotate workers through different jobs, if possible, to relieve the monotony of some task and where extended hours have created a risk to safety and health;
- * Allow appropriate rest and recuperation for employees; and,
- * Allow adequate and regular rest breaks and pauses. Meal breaks or rest breaks should not be traded for an early finish time.

Recognizing and managing work-related fatigue benefits employers and employees by improving morale, safety, productivity and attrition rates.



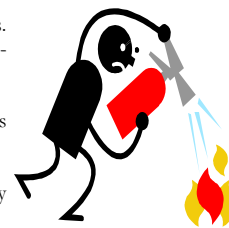
Safety Tip from MSHA.gov

EMERGENCY AWARENESS BULLETIN

There have been two underground mining near misses in September 2005 which could have been disastrous. In the Hazard District a coal drill operator was drilling in the face of a crosscut when a methane ignition occurred. The drill operator received third degree burns to his face and hands.

In the Martin District a cutting machine operator cut into the outer casing of an active gas well. The workers retreated to the outside of the mine and no one was injured.

The presence of gas is one of the many inherent dangers that underground miners have to deal with on a daily basis. Ignitions and explosions can be greatly decreased if proper measures are taken.



Preventative Measures:

Gas Tests:

* Gas tests shall be made at the working face before electric face equipment is brought in by the last open breakthrough. If any explosive gas is found in excess of one per cent, electrical equipment shall not be taken in until the gas is removed.

* While electric equipment is operating at the face, gas tests shall be made at not more than 20 minute intervals. If methane is found in excess of one per cent, the power shall be de-energized from the equipment and left de-energized until the gas is reduced to less than one per cent and the place determined safe by a foreman.

* Hand-held methane detectors and methane monitors on mining equipment shall be maintained in working order and kept properly calibrated.

Ventilation:

* All ventilation curtains on the section must be installed in their respective places and kept properly maintained.

* The required amount of air must be maintained on the working section at all times in order to dilute and carry away any concentrations of gas.

Clean-up and Rock Dusting:

* Loose coal and coal dust must be cleaned up and all areas on the working section must be well rock dusted.

Mine Maps:

* Accurate and extensive searches shall be made for oil and gas wells that penetrate the coal seam prior to mining the area and such wells shall be accurately plotted on the map.

As stated previously, these two situations could have easily been two mine disasters. Mine Safety Analysts will conduct safety meetings at their assigned mines concerning these issues. Analysts will also travel with the mine foremen on a regular basis when they conduct their pre-shift examinations.

Remember, all accidents are preventable. We simply fail to prevent them.

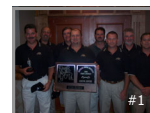
Kentucky Mining Institute Mine Rescue Awards 2005

1st Place Mine Rescue (Photo #1) - Jim Walter Resources/JSR Mine #5 Team

Left to Right:

Back Row: Donnie Pennington, John Morse, Greg Franklin, Larry McGiboney

Front Row: Scott Hannig (Captain), Randy Weekly, Chuck Garrison, Steve Barnes



1st Place Pre-Shift (Photo #2) - Danny Hendrix, KenAmerican Resources Inc./Paradise #9 Team

MET 1st Place (Photo #3) - Premier Elkhorn Coal Company/Premier Elkhorn Coal Company Team

From Left: Michael Joseph, Alicia Cable, and David Wilder

1st Place Bench BG-4 (Photo #4) - Bert Matheney, Eastern Associated Coal Corp/Federal No. 2 Team

1st Place Bench BG-174A (Photo #5) - Tim Hyché, Drummond Coal Inc./Shoal Creek

Congratulations to all KMI 2005 Award Recipients !!

Miner Safety Tip

Explosive Security Reminder

Best Practices -

- U Inspect and verify that each magazine is properly secured according to Federal and State regulations as well as manufacturers recommendations.
- U Report missing explosives immediately.
- U Ensure that any vehicle used to transport explosives is properly secured and attended.
- U Verify that inventories of explosives are correct and that a copy is maintained in the magazines at the mine office.
- U Verify any person's identity before allowing them to enter explosive magazines or review inventory.
- U Review security measures at your facility to determine if further measures are necessary to protect from theft.
- U Verify that telephone numbers for the proper authorities are posted at conspicuous locations.
- U Periodically inspect magazines for evidence of tampering or theft.
- U Hold safety meetings with all employees to alert them to these activities and the reason for them.
- U Immediately report any indication of shortages, loss or theft or any explosive materials to ATF @ ATF-BOMB (1-888-283-2662).



Safety Tip from MSHA.gov

Governor Fletcher Recognizes Mine Rescue Workers

On August 16, 2005, Governor Ernie Fletcher expressed his condolences to the families of two miners killed in a Harlan County roof fall. Additionally, he recognized workers for the state Office of Mine Safety and Licensing (OMSL) and Stillhouse Mining, LLC. Two mine rescue workers were injured by falling rocks during the attempt to reach the victims. Daven Hoskins, an OMSL inspector, and Mark Sheldon, a Stillhouse Mining employee were both injured when a second roof fall occurred while rescue efforts were underway in the mine. Both men required hospital treatment but have recovered.



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From left to right: Greg Goins, Pikeville Office; Paris Charles, OMSL Executive Director, Frankfort Office; Ernie Hawkins, Harlan Office; Wayne Collett, Harlan Office; Ralph Woods, Harlan Office; Todd Middleton, Harlan Office; Sheryl Fouts, Harlan Office; Daven Hoskins, Harlan Office; Jim Owens, Harlan Office; Governor Fletcher; George Johnson, Harlan Office; Johnny Greene, Mine Rescue Coordinator, Barbourville Office; Curtis Hall, District Supervisor, Hazard Office; Tim Fugate, Hazard Office; Rick Johnson, District Supervisor, Barbourville Office; Mike Eldridge, Hazard Office; Ron Turner, Harlan Office; and Charles Kirk, Harlan Office.

NEW MINING BOARD MEMBERS APPOINTED

Greg Damron, James (Tony) O'Neal, Jim Vicini and Jane Rice Williams were appointed to the Mining Board per Executive Order #2006-0645 filed on July 11, 2005. They were sworn in on August 25, 2005. Mr. O'Neal and Mr. Vicini's terms expire on April 10, 2008. Mr. Damron and Mrs. Williams' terms expire on April 10, 2009. Mrs. Williams was elected Chair of the Board on August 25, 2005.

On September 22, 2005, James (Tony) O'Neal resigned from the Board effective October 22, 2005 due to personal reasons.

